

### REMARKS

Applicants appreciate the indication that Claims 2 and 4 would be allowable if rewritten in independent form with all limitations of the base claim and any intervening claims. Claim 4 has been rewritten in independent form.

Claims 1-11 and 13-25 are pending. Claim 12 has been canceled, and its limitation incorporated into amended Claim 1. In addition to Claims 1 and 4, Claims 3, 6, and 10 have also been amended. New Claims 22-25 have been added to protect embodiments of the invention that are of interest to the Applicant.

All rejections are moot by virtue of amendment of either the claim itself or its base claim. Applicant submits that the Claims 3, 6, and 10 were definite before amendment, but have been amended nonetheless to prevent delays in prosecution. Support for the molecular weight in claim 10 can be found at para. 36-37 of the Applicant's specification.

Applicant notes that canceled claim 12 was rejected as obvious over U.S. Patent No. 5,945,493 (the Penchhold reference) and also over US 5,883,175 (the Kubo reference). As noted above, Claim 1 was amended to recite that the copolymer "has a polydispersity of less than 7." Applicant discusses polydispersity in Application's specification at para. 41.

Neither the Penchhold reference nor the Kubo reference address "polydispersity." In turn, the Office Action mentions polydispersity only once, stating "[t]he examiner is of the position that a polydispersity of less than 7 **would be expected** in prior art terpolymer [Penchhold], in light of the closely overlapped molecular weight and method of preparation because polydispersity is defined by the ratio of Mw/Mn." Emphasis added. Applicant **respectfully submits that this does not meet the evidential threshold to establish obviousness.**

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To the contrary, the Applicant's own specification has shown that polydispersity is not amenable to estimation, and depends on several experimental factors. For example, in one set of examples, Applicant found:

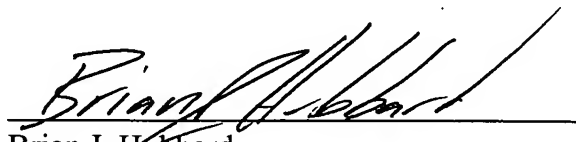
The experimental products were partly nonuniform in their composition, as expected from the copolymerization parameters for methacrylates and maleic anhydride. Very broad molecular weight distributions ( $M_w/M_n \gg 2$ ) are observed, the average molecular weight decreasing with increasing maleic anhydride in the monomer mixture (see illustration 5). **The illustration also shows that the molecular weights obtained depend on the composition of the solvent.**

Applicant's specification, para. 186 (emphasis added). In fact, Applicant had to undertake considerable efforts to control reaction conditions to achieve desired results (e.g., compare illustration 5 with illustration 9), including polydispersity (see Table 7, page 57-58). Thus, due to the differences that experimental conditions can produce in polydispersity, one cannot merely estimate polydispersity. In the event that Claim 1 is not allowed in the next Office Action, Applicant respectfully requests that actual evidence be provided regarding alleged meeting of the polydispersity claim limitation.

The Examiner is cordially invited to call the undersigned if she has any questions.

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